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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,725	09/25/2003	Michael Charles Green	15772.0007	6433

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WASHINGTON, DC 20006		

EXAMINER	
ZHU, BO HUI ALVIN	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,725

Applicant(s)

GREEN ET AL.

Examiner

Bo Hui A. Zhu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

ETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: the limitation "the session ID" in claim 4 lacks antecedence basis. The Examiner suggests changing "session ID" to "session identifier" for clarity of subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 4 and 6 – 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "... using the fourth field of a TL1 message ...". This is indefinite because it is not clear which particular field is regarded by the invention as the "fourth field" of a TL1 message; and what a "TL1 message" is and how "TL1" is defined.

Clarification of the subject matter is required

Claim 2 recites, "transmitting ... to an extension ...". This is indefinite because "an extension network element" has been introduced in claim 1, and it is not clear whether the "an extension network element" of claim 2 is the same network element as the one in claim 1 or not. Clarification of the subject matter is required.

Claim 3 recites, "receiving ... at an extension network element". This is indefinite because "an extension network element" has been defined in the parent claims of claim

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3. It is not clear whether this is referring to the same limitation or not. Claim 3 recites, "transmitting ... to the network element". There is lack of antecedence basis for the subject matter "the network element". Clarification of the subject matter is required.

Claim 4 recites, "accepting ... at the network element". There is lack of antecedence basis for the subject matter "the network element". Claim 4 recites, "forwarding ... the original command". There is lack of antecedence basis for "the original command". Clarification of the subject matter is required.

Claim 6 recites, "identifying a DCC ...". It is not clear what a DCC is and how it is defined in the claim.

Claim 8 recites, "replacing the session identifier ... in the response message". There is lack of antecedence basis for the subject matter of having the session identifier in the response message. Neither claim 8 nor any of its parent claims introduces the limitation of the response message having the session identifier. Clarification of the subject matter is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 3 and 5 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Duggan (US 2003/0169781).

(1) with regard to claim 1:

Duggan discloses a system and method, comprising: addressing an extension network element (network elements 23 and 24 on Fig. 1) using the fourth field of a TL1 message to set up a SONET connection (paragraph [0007]; the <TID> field is considered by the Examiner as the fourth field of the TL1 protocol).

(2) with regard to claim 2:

Duggan further discloses that receiving a command message including an extension network element identifier in the fourth field of a TL1 message (step 201 on Fig. 2; paragraph [0027], the <TID> field specifies the recipient TID5 which is an extension network element identifier); replacing the extension network element identifier with a session identifier (step 204 on Fig.2; paragraph [0028]; the <TID> field is replaced with TID1, which is considered as a session identifier) and transmitting the modified command message to an extension network element (step 205 on Fig. 2; the reformatted message is sent to an network element 13).

(3) with regard to claim 3:

Duggan further discloses that receiving the modified command at an extension network element (network element 13 receives the message at step 206) ; processing the modified command (paragraph [0029], the message is processed at step 206); and transmitting a command response including the session identifier back to the network element (paragraph [0029]; a response is returned to the sender of the message after a message is correctly received by network element 13. TL1 response inherently

includes a <SID> field to specify the source of the message and this field inherently has the same value as the value in the <TID> field of the received message).

(4) with regard to claims 5 and 10:

Duggan discloses a system and method, comprising: receiving a command message from the optical network including a port identifier specifying the port of a network element that is connected to an extension network element (step 212 on Fig. 2; paragraph [0031], the <TID> field specifies the recipient TID5, which is considered as a port identifier. TL1 messages inherently include a <AID> field which together with the <TID> field specifies a specific port used by a network element); processing the command message at the extension network element (TID5 receives the message); and sending a response message to the network element (paragraph [0032]; TID5 returns a response message).

(5) with regard to claims 6 and 11:

Duggan further discloses identifying a DCC corresponding to the port identifier; and transmitting the command message to the extension network element over the identified DCC (DCC is considered as a channel identified by the port being used by the communicating network element to transmit data to. The TL1 protocol inherently uses the <AID> fields to specify a channel for transmission).

(6) with regard to claim 7:

Duggan further discloses that replacing the port identifier with a session identifier in the command message prior to the transmitting. (step 211 on Fig. 2; paragraph [0031]; the <TID> field is replaced with TID5 before transmitting the message to TID5).

(7) with regard to claims 8 and 12:

Duggan further discloses replacing the session identifier with the port identifier in the response message (the TL1 protocol inherently includes a <SID> field to specify the source of the message in a response message and this field has the same value as the value in the <TID> field of the received message, which is omitted and replaced by the <SID> in the response message).

(8) with regard to claim 9:

Duggan further discloses transmitting the response message over the network (response is transmitted over network 30 and back to network element 13).

(9) with regard to claim 10:

Duggan further discloses that the extension network element does not have a separate terminal identification stored in the routing table of network elements within the network to which the extension network element is connected (paragraph [0028]; there is no separate terminal identification about network element 23 stored in the network element 13; 13 does not transmit message directly to 23; it can only transmit messages to 21 which it is directly connected to).

Allowable Subject Matter

6. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Hui A. Zhu whose telephone number is (571)270-1086. The examiner can normally be reached on Mon-Thur 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BZ
April 23, 2007



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